

## **Remarks**

This Response is filed with a Request for Continued Examination. The Request for Continued Examination requests that the Response dated June 6, 2007 be entered into the official file. The changes to Claims 43 and 44, mentioned below, assume that the June 6, 2007 Response has been entered into the official file.

As noted above, the Applicants have amended Claims 43 and 44. The changes constitute a reworking of the subject matter already in those two claims. For example, the prior language that states that the antigen presenting cell is a dendritic cell has been deleted in favor of replacement language that calls for a therapeutically effective amount of an antigen presenting dendritic cell. Also, the “wherein” phrase has been removed and substituted into the first paragraph element describing the antigen presenting dendritic cell. That language states that the antigen presenting dendritic cell is obtained or derived from a monocyte by plastic-adherence followed by culture with GM-CSF and IL-4. Accordingly, no new matter has been added.

The Applicants respectfully request that amended Claims 43 and 44, including the changes therein, be examined. The Applicants respectfully submit that the changes made above address the “product-by-process” issues raised in the Advisory Action. It should also be noted that the so-called “product-by-process” language is more than just that. The “obtained from a monocyte by plastic-adherence” language is more than a process limitation. That language states the origin of the antigen presenting dendritic cell which can influence the characteristics of that antigen presenting dendritic cell. If the antigen presenting dendritic cell was derived by another means or from another source, it could have very different characteristics. Thus, the Applicants respectfully submit that this language is analogous to “pasteurized” milk, wherein ordinary milk has been subjected to a particular process. This process causes the milk to have different characteristics from non-pasteurized milk. The same can be said here wherein the antigen presenting dendritic cell obtained from a monocyte by plastic-adherence (and then followed by culture with GM-CSF and IL-4) influences the characteristics of the resulting antigen presenting dendritic cell. Therefore, the Applicants respectfully submit that the amended language is more than a simple “product-by-process” limitation.

In any event, the Applicants additionally note that the amendments call for the antigen presenting cell to be a “dendritic” cell. This is not a product-by-process limitation. This is a particular type or kind of cell.

In any event, the Applicants respectfully submit that the claims distinguish over the prior art set forth in the March 22, 2007 Official Action at least for the reasons set forth in the Response dated June 6, 2007. Withdrawal of the rejections is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury  
Registration No. 31,750  
Attorney for the Applicants

TDC/vbm  
(215) 656-3381